



Sonoma County Planning Commission STAFF REPORT

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

FILE: ZCE17-0007
DATE: August 2, 2018
TIME: 1:05 p.m.
STAFF: Hannah Spencer, Project Planner

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: 2642 Westside Rd, LLC

Owner: 2642 Westside Rd, LLC

Location: 2642 Westside Rd, Healdsburg; APN 110-130-024;
Supervisory District No.: 4

Subject: Zone Change

PROPOSAL: Request for a Zone Change to remove the Z (Accessory Unit Exclusion) combining district on a 9.05-acre parcel.

Environmental Determination: Categorical Exemption 15061(b)(3)

General Plan: LIA (Land Intensive Agriculture) 20-acre density

Specific/Area Plan: None

Land Use: N/A

Ord. Reference: Section 26-76-005

Zoning: LIA (Land Intensive Agriculture), B6 20 acre density, and current combining zones include Z (Accessory Unit Exclusion), RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), VOH (Valley Oak Habitat)

Land Conservation Contract: N/A

Application Complete for Processing: July 25, 2017

RECOMMENDATION: Recommend that the Planning Commission recommend to the Board of Supervisors approval of the requested Zone Change.

EXECUTIVE SUMMARY:

The landowner is seeking approval for a Zone Change to remove the Z (Accessory Unit Exclusion) combining district on an 9.05-acre parcel. The landowner wishes to build a new primary residence and designate the existing residence as an accessory dwelling unit. The parcel is located in the Healdsburg area, approximately 1.3 miles southwest of City limits. The Z combining district was applied to the property and the surrounding area in order to protect agricultural lands and exclude additional dwellings. General Plan Housing Element Policy HE-3c includes a program to remove qualifying parcels from the Z combining district when they are between two and ten acres in size. Allowing an accessory dwelling unit on this parcel would not significantly impact the character of the neighborhood, nor the traffic in the area. In addition, the parcel is located in a major groundwater basin and fire hazards are low. Therefore, staff determined that the parcel qualifies to be removed from the Z combining district.

ANALYSIS**Background:**

The subject property was rezoned to the current zoning designation in 1993 as part of the implementation of the 1989 General Plan. The Board of Supervisors adopted Ordinance No. 4643 rezoning agricultural and resource lands to match the new General Plan designations. All lands that were previously designated as AE (Agriculture Exclusive) or that were subject to an active Land Conservation Act Contract were rezoned to include the Z (Accessory Unit Exclusion, formerly "Second Unit Exclusion") combining district. The application of the Z combining district was based on the fact that agricultural lands had the potential for agricultural-type employee housing if the land had agricultural production.

After the applicant submitted his zone change application, Permit Sonoma received direction from the Board of Supervisors to initiate a Z (Accessory Unit Exclusion) removal zone change application for hundreds of qualifying parcels. The subject parcel is one of the qualifying parcels included in the County-initiated zone change project. However, due to delays in processing, the applicant requested staff to move his application forward and separately from the County-initiated zone change project. The applicant wishes to obtain approval of his zone change application as soon as possible in order to construct the new primary residence.

Project Description:

The applicant is requesting the Z (Accessory Unit Exclusion) combining district be removed from the subject 9.05-acre parcel to allow for an accessory dwelling unit on the parcel.

Site Characteristics:

The subject 9.05-acre parcel is located on Westside Rd., a designated Scenic Corridor, approximately 500 feet north of Foreman Lane and 1.3 miles south of the City of Healdsburg. The property is generally flat and slightly slopes southeast and contains Mill Creek on the northern boundary. The parcel contains 6 acres of vineyard and is developed with a 1,076 square foot single family dwelling, a 2,000 square foot barn, and two wells. The proposed new primary dwelling location is outside of the Westside Rd. Scenic Corridor.

The project site is not under a Land Conservation (Williamson) Act Contract and is too small to qualify for a Land Conservation (Williamson) Act contract in the future.

Surrounding Land Use and Zoning:

North: Agriculture and Residence; Zoned LIA (Land Intensive Agriculture), 20-acre density, Z (Second Dwelling Unit Exclusion)

East: Agriculture and Residences; Zoned LIA (Land Intensive Agriculture), 20-acre density, Z (Second Dwelling Unit Exclusion)

West: Agriculture and Residence; Zoned LIA (Land Intensive Agriculture), 20-acre density, Z (Second Dwelling Unit Exclusion)

South: Agriculture and Residence; Zoned LIA (Land Intensive Agriculture), 20-acre density, Z (Second Dwelling Unit Exclusion)

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

The subject property received the LIA (Land Intensive Agriculture), Z (Accessory Unit Exclusion, formerly known as “Second Unit Exclusion”) combining designation in 1993 during the implementation of the 1989 General Plan because the parcel was zoned AE (Agriculture Exclusive) at that time. Accessory dwellings are restricted in the Agricultural Zones because they are allowed to have agricultural employee units, farm family, and farmworker units which do not count towards density and are directly related to agriculture. However, many substandard parcels do not qualify for these types of units. The Board adopted Policy HE-3c to allow the smaller parcels to have an accessory unit if appropriate.

Typically, accessory dwelling units are allowed in the Land Intensive Agriculture zoning district under the following circumstances: there is not a Z combining district; the parcel is not under a Land Conservation (Williamson) Act Contract; the parcel is at least 1.5 acres in size in areas served by well and septic systems; and the request meets all the Accessory Dwelling Unit Zoning Code standards. Removal of the Z (Accessory Unit Exclusion) combining district on the subject parcel appears to be consistent with the General Plan.

The parcel is 9.05 acres in size and not large enough to be placed under a Land Conservation (Williamson) Act Contract, even though approximately 6 acres is planted in vineyard.

General Plan Housing Element Policy HE-3c includes a policy to remove qualifying parcels when they are between two and ten acres in size. Policy HE-3c states:

Review “Z” (Second Dwelling Unit Exclusion) Combining District restrictions on agricultural parcels of less than 10 acres county-wide, and consider removing the restrictions where appropriate.

The Board of Supervisors adopted this policy, but directed staff to continue to implement it on a case-by-case basis. The subject parcel is zoned LIA (Land Intensive Agriculture) and is 9.05 acres in size. Allowing the Z combining district to be removed and adding an additional dwelling unit appears consistent with Policy HE-3c as an opportunity to provide affordable housing on the site.

Issue #2: Zoning Consistency

Application and removal of the Z combining district must conform to the Accessory Dwelling Unit Exclusion Combining District Section of the Sonoma County Zoning Ordinance. Section 26-76-005 states the following reasons for applying the Z (Accessory Unit Exclusion) combining district:

The purpose of this district is to provide for the exclusion of accessory dwelling units in the following areas:

- a) *Areas where there is an inadequate supply of water for drinking or firefighting purposes,*

- b) Areas where there are inadequate sewer services or danger of groundwater contamination,*
- c) Areas where the addition of second units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways, and*
- d) Areas where, because of topography, access, or vegetation, there is a significant fire hazard (Ord. No. 4643, 1993).*

The above reasons do not appear to apply to the project site based on the following:

Water Supply:

The subject parcel is served by a well and is located in a Groundwater Availability Area 1 (Major Groundwater Basin). Thus the Z (Accessory Unit Exclusion) combining district would not be necessary due to the lack of water availability.

Wastewater Disposal:

The subject parcel is served by a private septic system in a Major Groundwater Basin primarily composed of well-draining soils. Surrounding parcels range from 1 acre to 63 acres in size and the subject site is not located in an area subject to variance prohibitions and/or special standard requirements for septic systems. The existing residence is 1,076 square feet in size and contains two bedrooms. The landowner intends to designate this residence as the accessory unit and build a new primary dwelling. On January 16, 2018, the County issued a septic permit for a seven-bedroom standard septic system to serve both the existing dwelling and the new primary dwelling. If the zone change request is not approved, the landowner will be required to demolish the existing residence prior to constructing the new primary dwelling.

Based on the soils, proven septic capability, and nearby parcels sizes, it does not appear that the additional septic system could cause groundwater contamination. Therefore, there does not appear to be justification for the Z (Accessory Unit Exclusion) combining designation being retained due to inadequate sewer services.

Traffic Hazards:

The project site is located on Westside Road, in a lightly populated area and there are no existing traffic hazards. Therefore the addition of an additional dwelling unit to this site would not significantly increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.

Fire Hazards:

The General Plan Safety Element includes Figure PS-1g, Wildland Fire Hazard Areas, which shows that the subject property is not located in an area prone to wildfires. Therefore, there does not appear to be justification for the Z (Second Dwelling Unit Exclusion) combining designation being retained due to fire hazards.

Issue #3: Spot Zoning

The County of Sonoma has attempted to implement a comprehensive land use plan through its Zoning Ordinance. Spot zoning is generally considered undesirable but refers to the primary base zone, rather than to combining zones. The subject property was compared to adjoining properties to determine the overall pattern of zoning designations. All parcels adjacent to the site share the same zoning, LIA (Land Intensive Agriculture) with the Z (Accessory Unit Exclusion) combining district.

Each of the surrounding parcels with the Z combining district would have the same opportunity to apply for removal of the Z combining district pursuant to General Plan Housing Element HE-3c and would be evaluated using the same generally applicable zoning code standards. Therefore, the subject property would not be granted zoning that is either more restrictive or less restrictive than zoning which is available to the surrounding properties, and spot zoning would not occur.

Therefore, it does not appear to be spot zoning to remove the Z combining district on this parcel, combined with the fact that the parcel is not under a Land Conservation Act Contract and is too small to ever qualify for that type of contract.

The request is consistent with the Board of Supervisors' direction to process such requests on a case by case basis.

STAFF RECOMMENDATION

Recommend that the Planning Commission approve the requested Zone Change, to remove the Z (Accessory Unit Exclusion) combining district on the subject parcel.

FINDINGS FOR RECOMMENDED ACTION

1. General Plan Housing Element Policy HE-3c includes a program to remove the Z (Accessory Unit Exclusion) combining district from qualifying parcels less than ten acres in size. The subject parcel is 8.89 acres in size and allowing an accessory dwelling unit would be consistent with Housing Element goals and objectives to increase opportunities for the production of affordable housing such as accessory dwelling units.
2. Removal of the Z (Accessory Unit Exclusion) combining district is consistent with the LIA (Land Intensive Agriculture) land use designation and will not significantly alter any of the potential uses that are currently allowed on this site.
3. The project site is not under a Land Conservation Act Contract and is too small to qualify for a Land Conservation Act Contract in the future.
4. The removal of the Z (Accessory Unit Exclusion) combining district is consistent with the Zoning Code based on the following facts. The particular circumstances in this case are:
 - a. This parcel is located in a Groundwater Availability Area Class 1, meaning that the site is located in a major groundwater basin and there is adequate water supply to serve the future single-family dwelling and future accessory dwelling unit.
 - b. Zoning Code Section 26-88-060(j)(2) allows an Accessory Dwelling Unit on parcels served by well and septic with a minimum lot area of (2) acres. The subject parcel is 9.05 acres in size and therefore meets this standard.
 - c. The site is not located in an area with existing traffic hazards. The addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z (Accessory Unit Exclusion) combining district would not decrease public safety.

5. The project is exempt from CEQA pursuant to Section 15061(b)(3) because the project will have no significant effect on the environment and includes only the potential for one future residential structure exempt under Guidelines Section 15303(a).

LIST OF ATTACHMENTS

EXHIBIT A: Draft Ordinance and Sectional District Map
EXHIBIT B: Proposal Statement
EXHIBIT C: Vicinity Map
EXHIBIT D: General Plan Land Use Map
EXHIBIT E: Assessor's Parcel Map
EXHIBIT F: Draft Resolution

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIA (LAND INTENSIVE AGRICULTURE), B6-20 ACRE DENSITY, Z (ACCESSORY UNIT EXCLUSION), RC 100/50 (RIPARIAN CORRIDOR WITH 100-FOOT AND 50-FOOT SETBACKS), SR (SCENIC RESOURCES), VOH (VALLEY OAK HABITAT) ZONING DISTRICT TO LIA (LAND INTENSIVE AGRICULTURE), B6-20 ACRE DENSITY, RC 100/50 (RIPARIAN CORRIDOR WITH 100-FOOT AND 50-FOOT SETBACKS), SR (SCENIC RESOURCES), VOH (VALLEY OAK HABITAT) ZONING DISTRICT FOR 9.05 ACRES LOCATED AT 2642 WESTSIDE ROAD, HEALDSBURG, APN 110-130-024.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the the LIA (Land Intensive Agriculture), B6-20-acre density, Z (Accessory Unit Exclusion), RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), VOH (Valley Oak Habitat) zoning district to the LIA (Land Intensive Agriculture), B6-20-acre density, RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), VOH (Valley Oak Habitat) district, for 9.05 acres located on located at 2642 Westside Road, otherwise known as 2642 Westside Road, Healdsburg; APN 110-130-024. File No. ZCE17-0007. The Director of the Permit and Resource Management Department is directed to reflect this amendment in the OZD of the County as shown on Sectional District Map No. _____.

Section II. The Proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA guidelines because the project will have no significant effect on the environment and includes only the potential for one future residential structure exempt under Guidelines Section 15303(a).

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the

names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the ____ day of ____, 2018, and finally passed and adopted this ____ day of ____, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ____ Rabbitt: ____ Zane: ____ Hopkins: ____ Gore: ____

Ayes: ____ Noes: ____ Absent: ____ Abstain: ____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

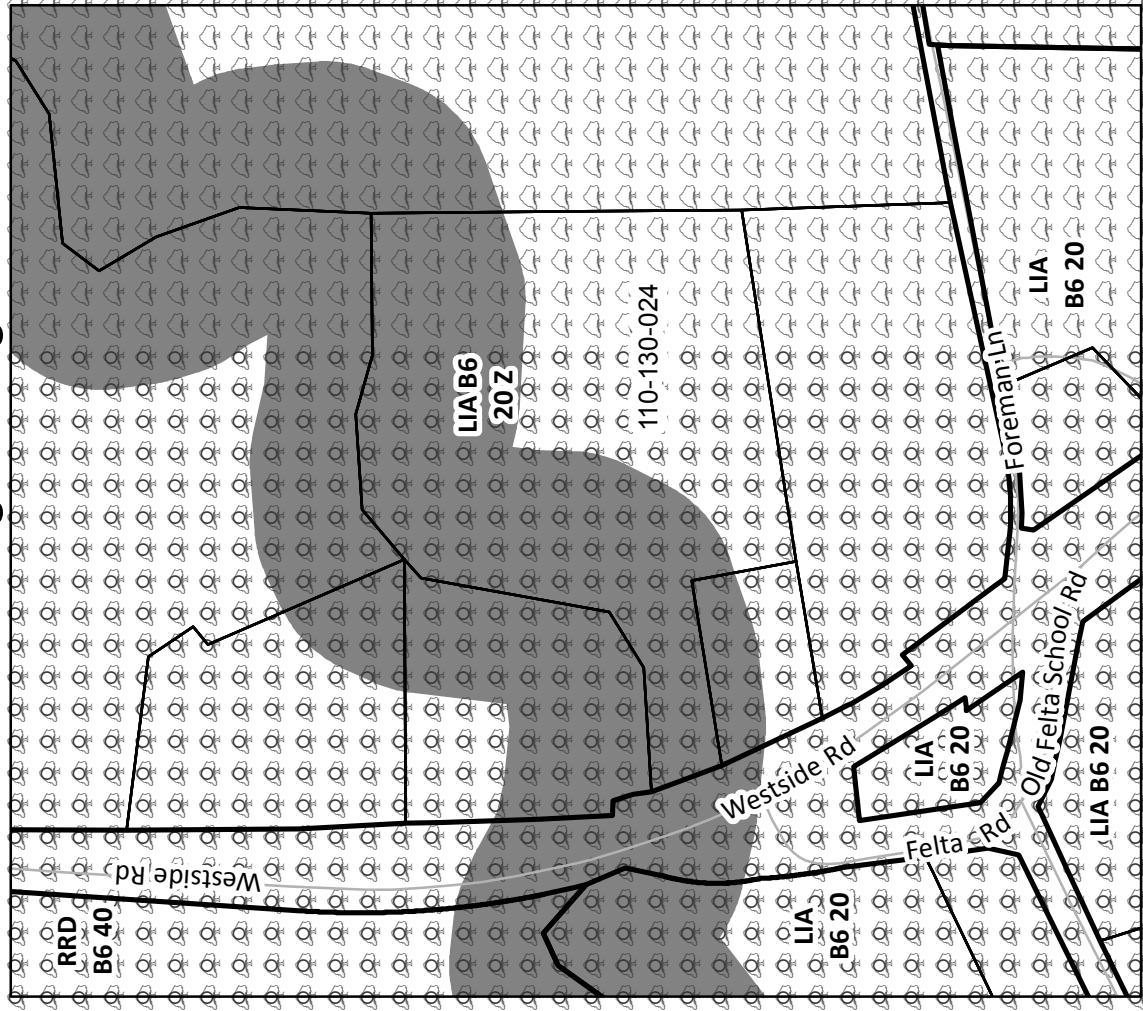
SO ORDERED.

James Gore
Chair, Board of Supervisors
County of Sonoma

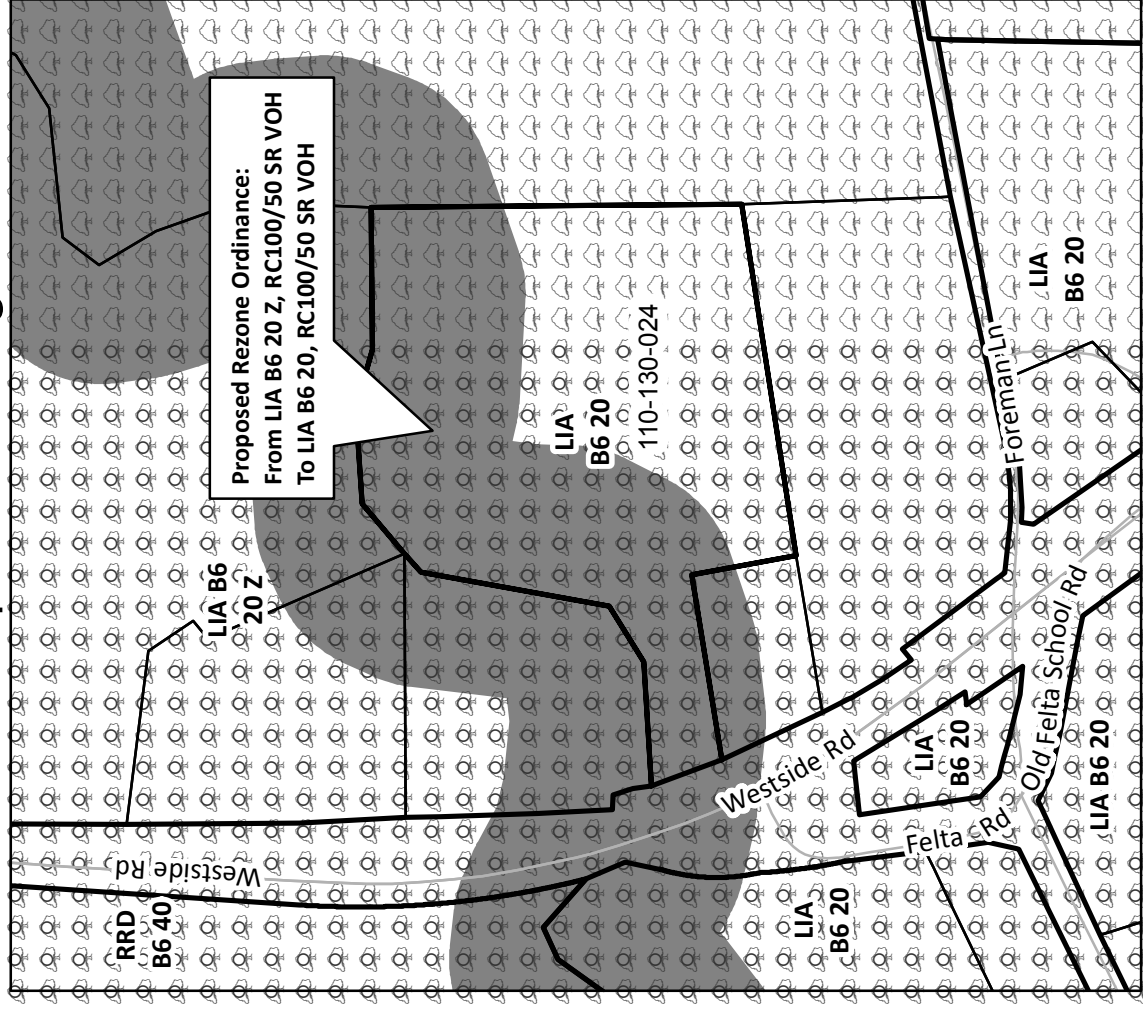
ATTEST:

Kay Lowtrip,
Clerk of the Board of Supervisors

Existing Zoning



Proposed Zoning

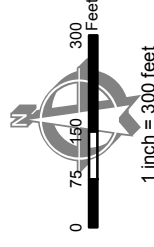


Base Map Data

- Base zoning by Area
- Parcel
- Street

Zoning Combining Districts

- RC Riparian Corridor
- SR Scenic Resource
- VOH Valley Oak Habitat



1 inch = 300 feet

FILE: ZCE17-0007
APN: 110-130-024
Ordinance No. TBD
Sectional District Map No. TBD

Permit and Resource Management Department
Project Review Section
2550 Ventura Avenue, Santa Rosa, CA 95403
Fax (707) 565-1103





MUNSELLE
CIVIL ENGINEERING
CIVIL ENGINEERING LAND PLANNING

Planning
Civil Engineering
Project Management
Construction Management
Surveying
Entitlements
Concept Design
Feasibility Studies

May 15, 2017

Planning Department
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403

Proposal Statement

**2642 Westside Rd.
Healdsburg CA 95448
APN: 110-130-024**

The intent of this Zone change would be to remove the Z overlay on the subject property. The property currently has a 1076 sft 2 bedroom residence. The proposed plans would be to convert this to a granny unit and build a primary residence on the subject property. The site has been evaluated for septic capacity and found to be capable of supporting this additional unit. This property is also in a Zone 1 major groundwater basin.

The proposed granny unit would meet the site requirements of 100 sft minimum as deferred by the accessory dwelling unit ordinance. The allowance of this accessory dwelling unit would fall in line with the state of California's intent of addressing housing affordability by increasing housing stock.

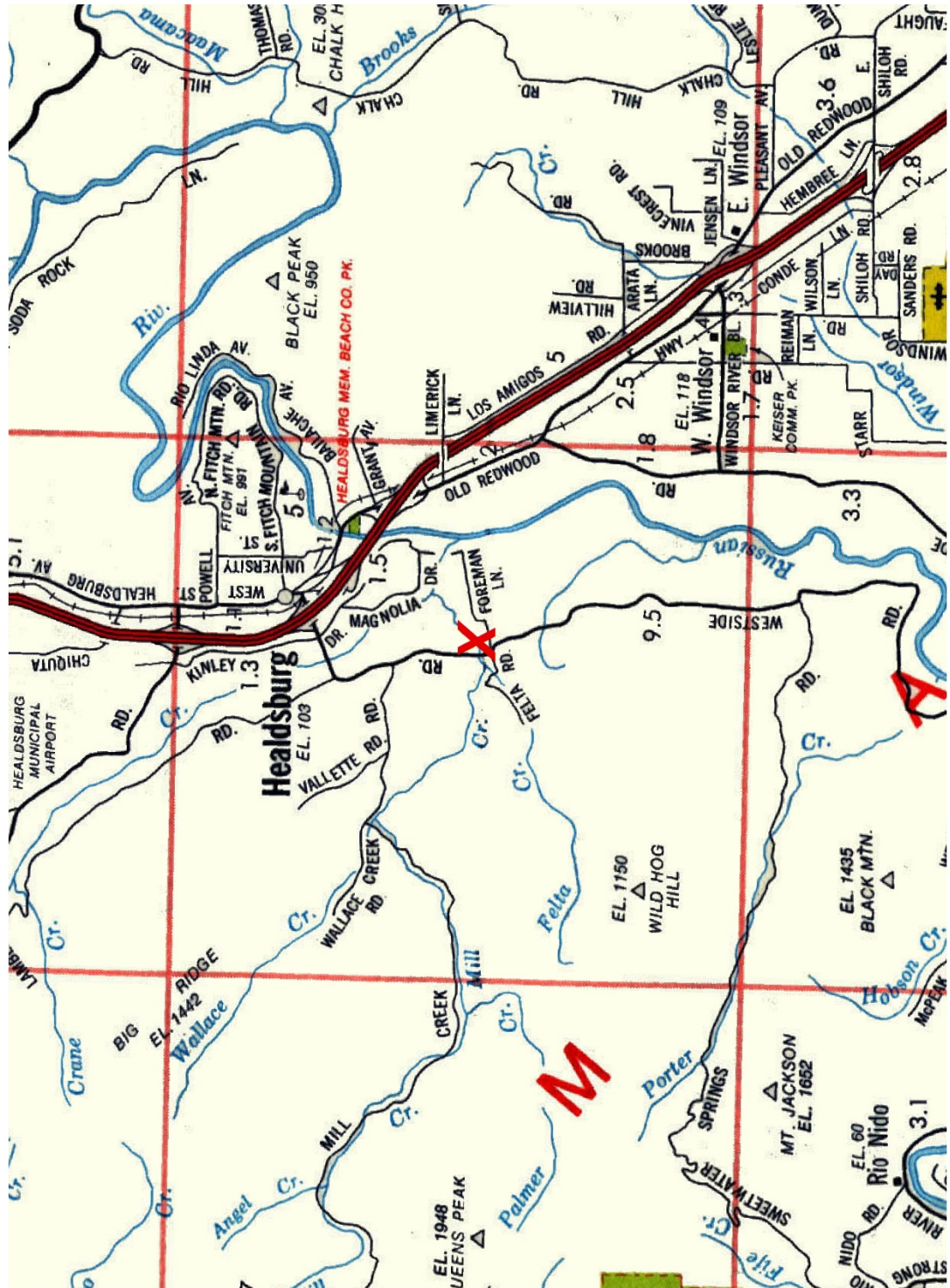
Please don't hesitate to contact me if you have any questions.

Sincerely,

**Cort Munselle, PE
Munselle Civil Engineering**

OFFICE:
513 Center Street
Healdsburg, CA 95448
phone (707) 395-0968
cell (707) 280-0474
cort@munsellecivil.com
www.munsellecivil.com

Vicinity Map



Land Use



General Plan Land Use

- Land Use by Area
- Land Intensive Agriculture
- Resources & Rural Development

Base Map Data

- Parcel
- Street
- Perennial Stream



1:2,400

Numbers on map indicate maximum density in Acres/Unit, except Urban Residential where numbers indicate Units/Acres.

Assessor Parcel Map

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
2-004 97-003
97-014 97-032

110-13

Parcel Map No. 3964

REC. 08-16-1993 IN BK. 195, MAPS, PGS. 18-20

Parcel Map No. 5285

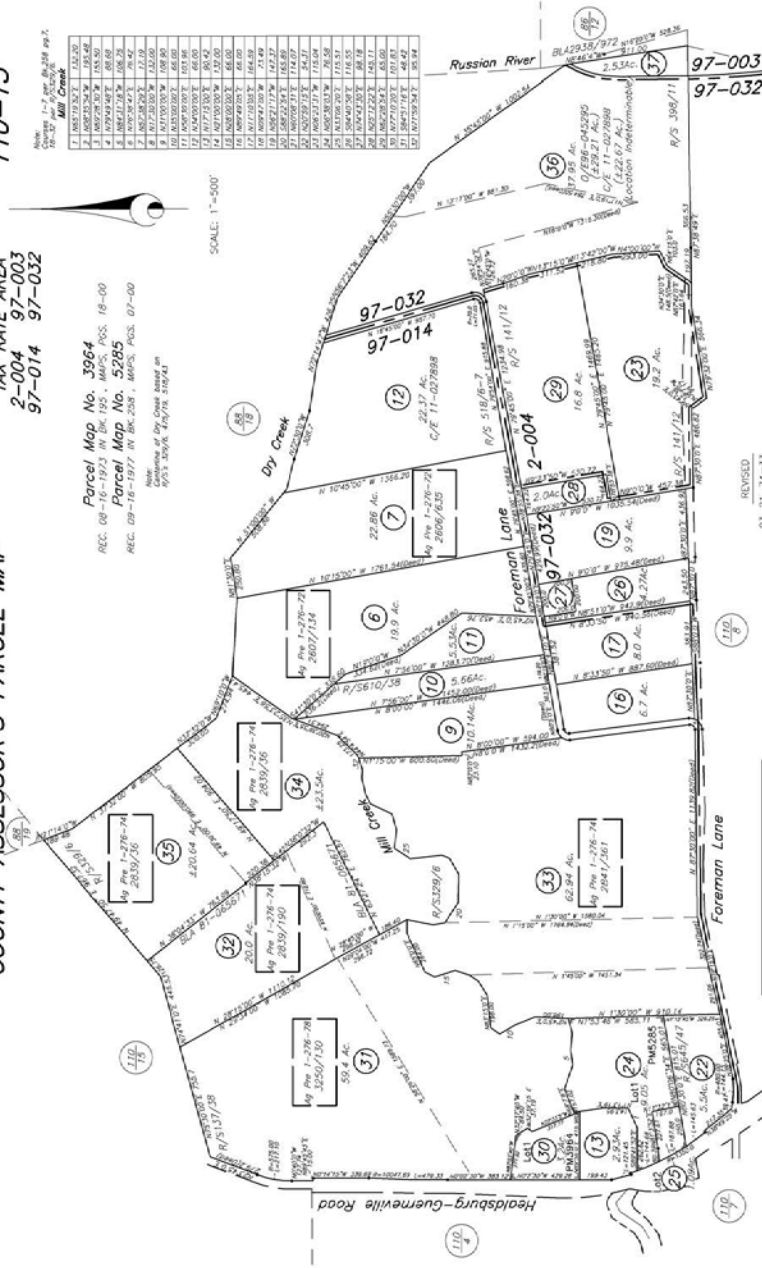
REC. 09-18-1997 IN BK. 208, MAPS, PGS. 07-09

Continuation of Dry Creek based on
97% 200/4, 214/78, 510/43

Source: 1-2, 1997, 200/4, 214/78, 510/43
18-20, 200/4, 214/78, 510/43
Map No. 3964

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SCALE: 1"=500'



NOTE: Assessor's parcels do not necessarily
check with the appropriate city or county
community development or planning division.

REVISED
03-21-74-23
03-24-75-15
03-24-75-15
11-21-77-17
11-21-77-17
11-21-77-17
04-27-04-27-04
03-01-13-07-06

Assessor's Map Bk. 110, Pg. 13
Sonoma County, Calif. (ACAD)
KEY 10-28-11 BC

Resolution Number

County of Sonoma
Santa Rosa, California

August 2, 2018
ZCE17-0007 Hannah Spencer

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND RECOMMENDING APPROVAL OF THE ZONE CHANGE TO THE BOARD OF SUPERVISORS AS REQUESTED BY 2642 WESTSIDE LLC, FOR PROPERTY LOCATED AT 2642 WESTSIDE ROAD, HEALDSBURG; APN 110-130-024.

WHEREAS, the owner, 2642 Westside LLC, filed an application with the Sonoma County Permit and Resource Management Department to rezone 9.05 acres from the LIA (Land Intensive Agriculture), B6-20-acre density, Z (Accessory Unit Exclusion), RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), VOH (Valley Oak Habitat) zoning district to the LIA (Land Intensive Agriculture), B6-20-acre density, RC 100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), VOH (Valley Oak Habitat) district, or other appropriate district on property located at 2642 Westside Road, Healdsburg; APN 110-130-024; Supervisorial District No. 4; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on August 16, 2018, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors find the project exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. General Plan Housing Element Policy HE-3c includes a program to remove the Z (Accessory Unit Exclusion) combining district from qualifying parcels less than ten acres in size. The subject parcel is 9.05 acres in size and allowing an accessory dwelling unit would be consistent with Housing Element goals and objectives to increase opportunities for the production of affordable housing such as accessory dwelling units.
2. Removal of the Z (Accessory Unit Exclusion) combining district is consistent with the LIA (Land Intensive Agriculture) land use designation and will not significantly alter any of the potential uses that are currently allowed on this site.
3. The project site is not under a Land Conservation Act Contract and is too small to qualify for a Land Conservation Act Contract in the future.

4. The removal of the Z (Accessory Unit Exclusion) combining district is consistent with the Zoning Code based on the following facts. The particular circumstances in this case are:
 - a. This parcel is located in a Groundwater Availability Area Class 1, meaning that the site is located in a major groundwater basin and there is adequate water supply to serve the future single-family dwelling and future accessory dwelling unit.
 - b. Zoning Code Section 26-88-060(j)(2) allows an Accessory Dwelling Unit on parcels served by well and septic with a minimum lot area of (2) acres. The subject parcel is 9.05 acres in size and therefore meets this standard.
 - c. The site is not located in an area with existing traffic hazards. The addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z (Accessory Unit Exclusion) combining district would not decrease public safety.
5. The project is exempt from CEQA pursuant to Section 15061(b)(3) because the project will have no significant effect on the environment and includes only the potential for one future residential structure exempt under Guidelines Section 15303(a).

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the requested Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.